



January 8, 2025

**BY ECF**

Honorable Vera M. Scanlon  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Diaz Cruz v. United States of America*, 20 CV 891 (EK) (VMS)

Your Honor:

I represent plaintiff in the above-referenced action. I write on behalf of the parties to respectfully request that the discovery deadline be extended from January 10, 2025 to June 10, 2025. This is the parties' second request to extend the discovery deadline. The prior joint request was granted by order dated July 12, 2024.

This FTCA action challenges plaintiff's shooting by ICE Agent Henry Santana in Brooklyn on February 6, 2020. While the case was filed in 2020, discovery was stayed and did not commence in earnest until last year due to delays related to the COVID pandemic and Santana's successful motion to dismiss plaintiff's *Bivens* claim.

As of now, the parties have largely completed document discovery, scheduled the deposition of one of the ICE agents, Mr. Santana, to take place later this month, and are in the process of conferring on expert discovery and scheduling the deposition and medical exam of the plaintiff and the deposition of the other ICE Agent and at least one non-party witness. Plaintiff resides in Mexico and will need to travel to the United States for the proceedings.

Further complicating matters, the undersigned was injured over the summer and has been working with significantly limited capacity. I underwent back surgery on December 23, 2024, which appears to have been successful, and am now in the process of recovering and returning to work. As a result, several important matters, including wrongful convictions pending in this district, will also require my attention in the short term. If it should please the Court, the instant application is intended to allow the parties time to take fact depositions, exchange expert reports and complete expert depositions and any remaining discovery.

Accordingly, the parties respectfully request that the discovery deadline be extended from January 10, 2025 to June 10, 2025. Thank you for your consideration of this request.

Respectfully submitted,

  
Gabriel P. Harvis

cc: Defense Counsel